

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

MAY 08 2019

*Matthew Thibault*  
CLERK

UNITED STATES OF AMERICA,

CR *4:19-cr-40033*

Plaintiff,

REDACTED INDICTMENT

v.

Conspiracy to Commit Wire Fraud  
18 U.S.C. §§ 1343 and 1349

CALVIN W. PELICHET,  
a/k/a CALVIN W. PELLICHET,

Wire Fraud  
18 U.S.C. § 1343

Defendant.

The Grand Jury charges:

**COUNT 1**

(Conspiracy to Commit Wire Fraud – 18 U.S.C. §§ 1343 and 1349)

A. Introduction:

Beginning at a time unknown but no later than on or about November 2015, and continuing through on or about December 2016, in the District of South Dakota and elsewhere, the Defendant, Calvin W. Pelichet, a/k/a Calvin W. Pellichet, with others known and unknown to the Grand Jury, did conspire, combine, and agree to commit the offense of wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349. By and through All Around Sports, LLC ("AAS"), and company representatives, Defendant willfully and unlawfully devised and intended to devise a scheme and artifice to defraud and to obtain money and property from others by means of false and fraudulent pretenses, representations, and promises. AAS and company representatives knowingly

participated as the conduit for and recipient of money transfers from sources that Defendant targeted as the victims of the fraudulent scheme.

B. Object of the Conspiracy:

The primary object of the conspiracy was to obtain funds to enrich Defendant, AAS's owner, and other AAS employees.

C. Entities and Parties:

At times relevant to this Indictment and to each count alleged herein:

1. All Around Sports, LLC, was a business located in a commercial building at 5440 West Franklin Road, Boise, Idaho 83705. AAS's stated business purpose was to partner with schools to help them fund their athletic programs while providing inexpensive advertising solutions for the local merchants that supported those schools. AAS utilized an on-site call center in which salespeople called businesses, municipalities, and governmental entities to try to sell advertisements. These advertisements were typically displayed on athletic posters, pocket schedules, and t-shirts for high schools located in the proximity of those making a purchase.

2. Defendant Calvin W. Pelichet, a/k/a Calvin W. Pellichet, was a Sales Manager at AAS.

3. AAS Representative #1 was an owner and a signatory of an account into which monies were deposited for legitimate and illegitimate business of AAS.

4. AAS Representative #2 was a Collections and Office Manager at AAS.

5. Oglala Sioux Tribe is a federally recognized tribe, headquartered in Pine Ridge, South Dakota, with its lands within the exterior boundaries of the

Pine Ridge Reservation.

6. Oglala Lakota College and Oglala College Center are also on the reservation, respectively located in Kyle and Oglala, South Dakota, and both colleges are associated.

7. Crow Creek Sioux Tribe is a federally recognized tribe, headquartered in Fort Thompson, South Dakota, with its lands within the exterior boundaries of the Crow Creek Reservation.

8. Lower Brule Sioux Tribe is a federally recognized tribe, headquartered in Lower Brule, South Dakota, with its lands within the exterior boundaries of the Lower Brule Reservation.

9. Kokarmuit Corporation ("Kokarmuit") is an Alaska Native for-profit retailer located in Akiak, Alaska.

10. The City of Ambler is a predominantly Alaska Native village located in the Northwest Arctic Borough, Alaska.

D. Manner and Means of the Conspiracy:

At times relevant to this Indictment and to each count alleged herein:

1. AAS's salespersons audio-recorded sales calls to ensure sales were authorized. When a sale was made, another AAS employee verified the sale by listening to the audio recording. As Sales Manager and salesperson at AAS, Defendant Calvin W. Pelichet, a/k/a Calvin W. Pellichet, had the ability to audio-record sales calls. Defendant, unlike other salespersons, had the ability to control the recording mechanism and was not subject to the verification process. Defendant caused the audio-recording to capture, or not capture, portions of his

sales calls in a manner to effectuate the sale of AAS's goods and in order to make more money.

2. AAS's salespersons also obtained e-signatures as another method to gain authorization for payment from a customer's bank account, debit card, or credit card. Defendant sought e-signatures from individuals who were unauthorized to engage in such transactions. Defendant and AAS Representative #2 made misrepresentations to individuals to induce them to e-sign these forms. Many of these forms were pre-filled and only required an e-signature, which is simply a typed name from the email recipient. Many of the forms did not contain bank or credit card account information. Those individuals who received AAS electronic messages and e-signature forms did not provide bank account information. These individuals were neither in a position of authority nor in a position to know what bank account information to provide.

3. Defendant, AAS Representative #1, and AAS Representative #2 used their respective e-mail accounts, landline phones, and mobile devices to engage in lawful and unlawful company business. E-mails and mobile messaging originated from AAS computers or mobile devices located in Idaho and were sent to computers or mobile devices located in South Dakota and elsewhere. Customer responses were sent to an AAS e-mail address or mobile number.

4. Whether on a sales call, via e-mail, or through other electronic means of communication, Defendant made false and fraudulent pretenses, representations, and promises to employees of Oglala Sioux Tribe, Oglala Lakota College, Oglala College Center, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe,

Kokarmuit, and City of Ambler to obtain authorization to withdraw and obtain funds. Defendant's conduct was part of the scheme and conspiracy in which AAS Representatives #1 and #2 engaged.

E. Wires:

At times relevant to this Indictment and to each count alleged herein, in the District of South Dakota and elsewhere, Defendant and others known and unknown to the Grand Jury, having devised the above-described scheme and artifice to defraud, caused communications to be sent between Idaho and South Dakota and elsewhere, and did knowingly use and cause communications to be transmitted in interstate or foreign commerce, by means of a wire communication, writings, signs, signals, and sounds, for the purpose of executing such scheme and artifice. Defendant's acts and omissions were in violation of 18 U.S.C. §§ 1343 and 1349.

**COUNTS 2 THROUGH 9**

(Wire Fraud – 18 U.S.C. § 1343)

At times relevant to this Indictment and Counts 2 through 9, Paragraphs A through E are realleged and incorporated by reference as though fully set forth herein.

On or about the dates set forth below, in the District of South Dakota and elsewhere, the Defendant, Calvin W. Pelichet, a/k/a Calvin W. Pellichet, having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by

means of wire communications in interstate and foreign commerce a writing, sign, signal, and sound for the purpose seeking and obtaining funds from an account belonging to the Oglala Sioux Tribe as follows:

| <u>Count</u> | <u>On or about date</u> | <u>Description of Wire</u>                                                                                                                                                                                                                                                                                                                    |
|--------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2            | 3/17/2016               | Wire transmission in the amount of \$12,100 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho. |
| 3            | 3/24/2016               | Wire transmission in the amount of \$10,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho. |
| 4            | 3/25/2016               | Wire transmission in the amount of \$16,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho. |
| 5            | 4/7/2016                | Wire transmission in the amount of \$32,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho. |
| 6            | 5/2/2016                | Wire transmission in the amount of \$22,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho. |
| 7            | 5/6/2016                | Wire transmission in the amount of \$34,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho                                                          |

8 5/9/2016

Central Credit Union in the State and District of Idaho.

Wire transmission in the amount of \$30,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho.

9 5/12/2016

Wire transmission in the amount of \$54,000 between a bank account at The First National Bank of Gordon in the State and District of Nebraska, belonging to the Oglala Sioux Tribe in the State and District of South Dakota, and a bank account of All Around Sports, LLC, at Idaho Central Credit Union in the State and District of Idaho.

All are in violation of 18 U.S.C. § 1343.


A TRUE BILL:

**Name Redacted**

\_\_\_\_\_  
Foreperson

RONALD A. PARSONS, JR.  
United States Attorney

By



\_\_\_\_\_